

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RON GOLAN, et al.,

Plaintiff,

v.

VERITAS ENTERTAINMENT, LLC, et al.,

Defendants.

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No. 4:14CV00069 ERW

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiffs' Motions in Limine [ECF No. 386] seeking to exclude evidence or argument by Defendants regarding consent to receive telephone calls. The Court held the motion in abeyance pending further briefing by the parties, which has been completed.

The Court has previously determined Defendants did not have prior express consent from call recipients. Therefore, the parties shall not, in any manner, suggest to the jury prior express consent was received. However, evidence of Dr. Leininger's beliefs, or the beliefs of other Defendants, about ccAdvertising's consent to make the telephone calls is relevant and admissible on the issue of Dr. Leininger's vicarious liability. Therefore, the Court will permit Defendants to introduce evidence and inquire as to Dr. Leininger's knowledge and understanding of whether consent had been obtained. The Court will instruct the jury they will not be determining whether Defendants had consent to make the calls because it has already been resolved by the Court.

Dated this 3rd Day of August, 2017.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE